The Federal Government & ADR: Lessons Learned

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Scope

- Legal disputes
- Public policy disputes
- Internal conflict
- External conflict
- Capacity building

Legal Disputes

- Subject matter:
 - □ Employment & labor
 - □ Contracts
 - □ Civil enforcement / regulatory
- Processes:
 - Mediation*
 - □ Arbitration
 - Hybrids

Public Policy Disputes

- Negotiated rulemaking
- Facilitated multi-party discussions

Internal Conflict (Workplace)

- Group facilitation
- Pre-dispute mediation
- Workplace ombudsmen

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External Conflict (Clients and Contractors)

- Public Ombudsmen
- Partnering (construction)
- Dispute Review Boards (construction)

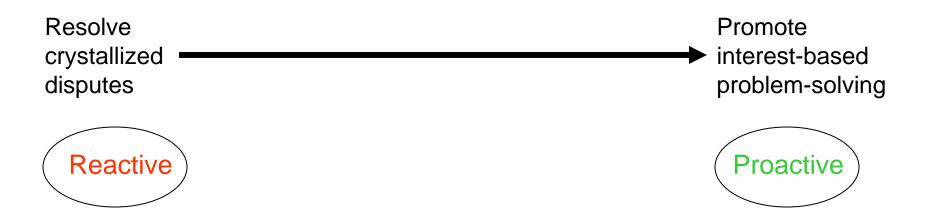


Capacity Building

- Training
 - □ Conflict resolution
 - □ Communication
 - Diversity
- Coaching



Trend toward "Conflict Management"



Genesis of Programs

- Response to crisis
- Top down
- Legislation
- Incremental
- Compliance

Initial Challenges

- Universal: resistance to change
 - Fear of unknown
 - Treading in place
- Governmental: no "bottom line"
 - Unclear goals
 - Funding restrictions

Coping Strategies

- Leverage internal resources
 - Mediators
 - Facilitators
 - Trainers
 - Coaches
 - Consultants
- Leverage low-cost private resources
 - Non-profits
 - Academics

Best Practices

- Breed success from success
 - Why should I listen to you?
- Evaluate
 - Why should I believe you?
- Connect ADR to agency mission
 - □ What's in it for us?
- Connect ADR to concrete problems
 - What's in it for me?

Keep Moving Forward

- Revitalize existing programs
- Embrace new technology
- Look for the "pain"
- View all change as opportunity